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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

O I P E NO. EV504795954US  
JAN 13 2005 CTO  
PATENT & TRADEMARK OFFICE

Application of Charles S. Schasteen et al.

Art Unit 1617

Serial No. 10/652,745

Filed August 29, 2003

Confirmation No. 1765

For ANTIMICROBIAL COMPOSITIONS

Examiner Shobha Kantamneni

January 13, 2005

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VIRGINIA 22313-1450

SIR:

**FOURTH SUPPLEMENTAL  
INFORMATION DISCLOSURE STATEMENT**

In accordance with 37 C.F.R. 1.97 and 1.98 and MPEP 609, and in compliance with the duty of disclosure set forth in 37 C.F.R. 1.56, applicants submit the attached PTO/SB/08A for consideration by the Patent and Trademark Office in the above-entitled application and to be made of record therein.

This Forth Supplemental Information Disclosure Statement is being submitted pursuant to 37 C.F.R. §1.97(b) in that applicants believe that it is being filed prior to the mailing date of the first Office action on the merits. Accordingly, neither a statement nor a fee under 37 C.F.R. §1.97(c) or (d) is required.

On December 1, 2003, a commercial farm located in the United States (farm 1) started incorporating an 88 wt.% 2-hydroxy-4-methylthiobutyric acid additive into early nursery swine feed. The additive so used is sold under the trade designation ALIMET® by Applicants' assignee Novus International, Inc. For several years, beginning more than a year prior to the priority date of the instant application, Novus has been offering ALIMET® to customers for incorporation into feed for swine and dairy cattle. Novus has been advised by representatives of farm 1 that, prior to December 1, 2003, farm 1 had been incorporating D,L-methionine into the early swine feed.

An employee of Applicants' assignee (Novus International, Inc.) toured farm 1 during the Fall of 2003 (in October or November, 2003) in connection with the installation of a system for blending ALIMET® into swine feed. During this tour, a

nutritionist for farm 1 pointed out other feed additive systems, including an organic acids tank that the nutritionist described as containing an organic acid blend supplied by Kemin of Des Moines, Iowa. Applicants' assignee thereafter purchased a sample of Kem-Gest from a large commercial supplier and had it analyzed. Ion chromatography analysis of the Kem-Gest formulation showed it contained 22 wt.% phosphoric acid, 15 wt.% fumaric acid, 2% lactic acid and 1.4 wt.% citric acid with the balance being inactive salt ions and fillers. Neither applicants nor the aforesaid Novus employee know the concentration in which Kem-Gest blend or blends may have been incorporated into early nursery swine feed at farm 1 or whether Kem-Gest was being used on an experimental or commercial basis, though the nutritionist did not state that it was experimental. It has been the Novus employee's experience that nutritionists at commercial swine and dairy farms are generally very secretive about the components of the feed mixtures which they formulate, the concentrations of individual components, and the feeding regimen (e.g. time of year and duration) they use.

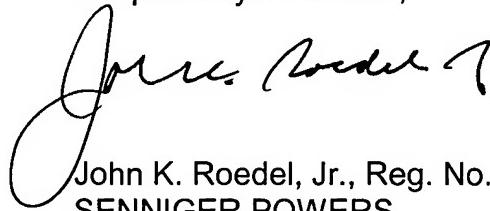
On or about July, 2004, the aforesaid Novus employee was advised by an employee of another commercial farm located in the United States (farm 2) that farm 2 had commenced incorporating a feed acid blend into swine feed shortly after its then current Vice President had joined the enterprise. The Novus employee was further advised that the Vice President had initiated the use of feed acid blends for this purpose. The Novus employee has independent knowledge that the aforesaid Vice President joined farm 2 seven or eight years ago. As of August, 2004, Novus had been supplying ALIMET® to farm 2 for use in swine feed formulations for three or four years.

On or about July, 2004, the Novus employee was advised by a representative of farm 2 that the aforesaid farm 2 Vice President had been employed at another agricultural corporation prior to joining farm 2, and had evaluated the Kemin feed acid products in his capacity with that other corporation. However, the Novus employee does not know the identity or composition of any particular Kemin products used or tested by either the other corporation or farm 2 prior to July, 2004, nor the concentrations in which such other Kemin products may have been incorporated into swine or other animals feeds, or the feeding regimens employed in administration of any such swine or other animal feeds by either farm 2 or the other corporation. The

Novus employee also has no information on whether experimental or commercial formulations prepared by such other corporation contained either 2-hydroxy-4-methylthiobutanoic acid or methionine.

During July, 2004, the Novus employee was told by a representative of farm 2 that farm 2 was then incorporating the Kem-Gest blend referenced above along with an 88 wt.% 2-hydroxy-4-(methylthio)butanoic acid additive (ALIMET®) for the first three nursery swine diets.<sup>1</sup> The Novus employee was told which feed additive was used because farm 2 wants to reevaluate its organic acid feeding program and will be a field tester of organic acid blends formulated by Novus. As stated above, generally, nutritionists at commercial farms are very secretive about the components of the feed mixture, their amounts and the feeding regimen (e.g. time of year and duration) they use. In this instance, the principals of farm 2 are well acquainted with Novus employee and are understood to trust that he will keep farm 2's feeding regimen confidential. Thus, farm 2 is not requiring the Novus employee to sign a confidentiality agreement as they have a reasonable expectation of confidentiality in their dealings with the Novus employee. However, the standard practice in the industry is to require confidentiality agreements when there will be exchange of information as in the field testing mentioned above.

Respectfully submitted,



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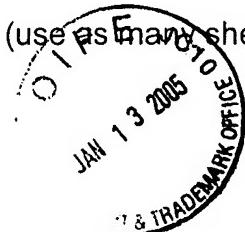
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<sup>1</sup>This is the diet for the first three weeks after weaning. Weaning typically takes place at 18-21 days of age.

PTO/SB/08A

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

**Complete if Known**

Application Number	10/652,745
Filing Date	August 29, 2003
Confirmation Number	1765
First Named Inventor	Charles Schasteen
Group Art Unit	1617
Examiner Name	S. Kantamneni

Sheet 1 of 1 Attorney Docket No. NVI 5252.4

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code <sup>2</sup> (if known)		

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	T <sup>6</sup>
		Office	Number <sup>4</sup>	Kind Code <sup>2</sup> (if known)			

**OTHER ART - NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	69	BURNS et al. "Sulfur Amino Acid Requirements of Immature Beagle Dogs" Journal of Nutrition, Vol. 111, No. 12 (1981) pp. 2117-2124.	

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached or place an "A" here if English language abstract is attached..

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